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OFFICIAL GAZETTE



GOVERNMENT OF GOA

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Law (Legal and Legislative Affairs) Department

Notification

10-2-92/LA

The Public Liability Insurance (Amendment) Ordinance, 1992 (No. 6 of 1992) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 31-1-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th February, 1992.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislature Department)

New Delhi, the 31st January, 1992/Magha 11, 1913
(Saka)

The Public Liability Insurance (Amendment) Ordinance, 1992

No. 6 of 1991

Promulgated by the President in the Forty-third Year of the Republic of India.

An Ordinance to amend the Public Liability Insurance Act, 1991.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance, may be called the Public Liability Insurance (Amendment) Ordinance, 1992.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Public Liability Insurance Act, 1991 (hereinafter referred to as the principal Act),—

(a) for clause (a), the following clause shall be substituted, namely:—

(a) “accident” means an accident involving a fortuitous, sudden or unintentional occurrence

while handling any hazardous substance resulting in continuous, intermittent or repeated exposure to death of, or injury to, any person or damage to any property but does not include an accident by reason only of war or radio-activity;’;

(b) for clause (g), the following clause shall be substituted, namely:—

(g) “owner” means a person who owns, or has control over handling any hazardous substance at the time of accident and includes,—

(i) in the case of a firm, any of its partners;

(ii) in the case of an association, any of its members; and

(iii) in the case or a company, any of its directors, managers, secretaries or other officers who is directly in charge of, and is responsible to the company for the conduct of the business of the company;’;

(c) after clause (h), the following clause shall be inserted, namely:—

(ha) “Relief Fund” means the Environmental Relief Fund established under section 7A;’.

3. *Amendment of section 4.*— In section 4 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

(2A) No insurance policy taken out by an owner shall be for an amount less than the amount of the paid-up capital of the undertaking handling any hazardous substance and owned or controlled by that owner, and more than the amount, not exceeding fifty crore rupees, as may be prescribed.

Explanation.— “Paid-up capital” in this sub-section means, in the case of an owner not being a company, the market value of all assets and stocks of the undertaking on the date of contract of insurance.

(2B) The liability of the insurer under one insurance policy shall not exceed the amount specified in the terms of the contract of insurance in that insurance policy.

(2C) Every owner shall also, together with the amount of premium, pay to the insurer, for being credited to the Relief Fund established under section 7A, such further amount, not exceeding the amount of premium, as may be prescribed.

(2D) The insurer shall remit the further amount received from the owner under sub-section (2C) to the Relief Fund in such manner and within such

period as may be prescribed and where the insurer fails to so remit the further amount, such amount shall be recoverable from the insurer as arrears of land revenue or of public demand.”.

4. *Amendment of section 7.* — In section 7 of the principal Act, —

(a) for sub-section (3), the following sub-section shall be substituted, namely: —

“(3) When an award is made under this section, —

(a) the insurer, who is required to pay any amount in terms of such award and to the extent specified in sub-section (2B) of section 4, shall, within a period of thirty days of the date of announcement of the award, deposit that amount in such manner as the Collector may direct;

(b) the Collector shall arrange to pay from the Relief Fund, in terms of such award and in accordance with the scheme made under section 7A, to the person or persons referred to in sub-section (1) such amount in such manner as may be specified in that scheme;

(c) the owner shall, within such period, deposit such amount in such manner as the Collector may direct.”;

(b) after sub-section (7), the following sub-section shall be inserted, namely: —

“(8) Where an owner is likely to remove or dispose of his property with a view to evading payment by him of the amount of award, the Collector may, in accordance with the provisions contained in rules 1 to 4 of Order XXXIX of the First Schedule to the Code of Civil Procedure, 1908, grant a temporary injunction to restrain such act.”.

5. *Insertion of new section 7A.* — After section 7 of the principal Act, the following section shall be inserted, namely: —

“7A. *Establishment of Environmental Relief Fund.* — (1) The Central Government may, by notification in the Official Gazette, establish a fund to be known as the Environment Relief Fund.

(2) The Relief Fund shall be utilised for paying, in accordance with the provisions of this Act and the scheme, relief under the award made by the Collector under section 7.

(3) The Central Government may, by notification in the Official Gazette, make a scheme specifying the authority in which the relief fund shall vest, the manner in which the Fund shall be administered, the form and the manner in which money shall be drawn from the Relief Fund and for all other matters connected with or incidental to the administration of the Relief Fund and the payment of relief therefrom.”.

6. *Amendment of section 14.* — In section 14 of the principal Act, in sub-section (1), for the words, brackets and figures “sub-section (1) or sub-section (2)” the words, brackets and figures “sub-section

(1), sub-section (2), sub-section (2A) or sub-section (2C)” shall be substituted.

7. *Amendment of section 23.* — In section 23 of the principal Act, —

(a) in sub-section (2), —

(i) clause (a) shall be re-lettered as clause (ac);

(ii) before clause (ac), as so re-lettered, the following clauses shall be inserted, namely: —

“(a) the maximum amount for which an insurance policy may be taken out by an owner under sub-section (2A) of section 4;

(aa) the amount required to be paid by every owner for being credited to the Relief Fund under sub-section (2C) of section 4;

(ab) the manner in which and the period within which the amount received from the owner is required to be remitted by the insurer under sub-section (2D) of section 4;”;

(b) in sub-section (3), for the word “rule”, wherever it occurs, the words “rule or scheme” shall be substituted.

R. VENKATARAMAN,
President.

V. S. RAMA DEVI,
Secy. to the Govt. of India.

Notification

10-2-92/LA

The Cess and Other Taxes on Minerals (Validation) Ordinance, 1992 (No. 7 of 1992) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 15-2-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 28th February, 1992.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 15th February, 1992/Magha 26, 1913
(Saka)

The Cess and other Taxes on Minerals (Validation) Ordinance,
1992

No. 7 of 1992

Promulgated by the President in the Forty-third Year of the Republic of India.

An Ordinance to validate the imposition and collection of cesses and certain other taxes on minerals under certain State laws.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.* — (1) This Ordinance may be called the Cess and Other Taxes on Minerals (Validation) Ordinance, 1992.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. *Validation of certain State laws and actions taken and things done thereunder.* — (1) The laws specified in the Schedule to this Ordinance shall be, and shall be deemed always to have been, as valid as if the provisions contained therein relating to cesses or other taxes on minerals had been enacted by Parliament and such provisions shall be deemed to have remained in force up to the 4th day of April, 1991.

(2) Notwithstanding any judgment, decree or order of any court, all actions taken, things done, rules made, notifications issued or purported to have been taken, done, made or issued and cesses or other taxes on minerals realised under any such laws shall be deemed to have been validly taken, done, made, issued or realised, as the case may be, as if this section had been in force at all material times when such actions were taken, things were done, rules were made, notifications were issued, or cesses or other taxes were realised, and no suit or other proceeding shall be maintained or continued in any court for the refund of the cesses or other taxes realised under any such laws.

(3) For the removal of doubts, it is hereby declared that nothing in sub-section (2) shall be construed as preventing any person from claiming refund of any cess or tax paid by him in excess of the amount due from him under any such laws.

THE SCHEDULE

(See section 2)

1. The Andhra Pradesh (Mineral Rights) Tax Act, 1975 (A.P. Act 14 of 1975).
2. The Andhra Pradesh (Andhra Area) District Boards Act, 1920.
3. The Andhra Pradesh (Telengana Area) District Boards Act, 1955.
4. The Cess Act, 1880 (Bengal Act 9 of 1880) as applicable in the State of Bihar.
5. The Karnataka Zilla Parishad, Taluka Panchayat Samitis, Mandal Panchayats and Nyaya Panchayats Act, 1983 (Karnataka Act 20 of 1985).
6. The Karnataka (Mineral Rights) Tax Act, 1984 (Karnataka Act 32 of 1984).
7. The Madhya Pradesh Karadhan Adhiniyam, 1982 (M.P. Act 15 of 1982).

8. The Madhya Pradesh Upkar Adhiniyam, 1981 (M.P. Act 1 of 1982).

9. The Maharashtra Zilla Parishads and Panchayat Samitis (Amendment and Validation) Act, 1981 (Maharashtra Act 46 of 1981).

10. The Orissa Cess Act, 1962 (Orissa Act II of 1962).

11. The Tamil Nadu Panchayat Act, 1958 (Tamil Nadu Act XXXV of 1958).

R. VENKATARAMAN,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

Government Press

Notice

The subscribers to the Official Gazette are kindly reminded that their present subscription term ends on the 31st March, 1992, being the end of financial year.

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